REMARKS

Applicant submits this Amendment in response to the Office Action mailed on April 22, 2004, in which claims 1-16 were rejected. Claims 4-6, 8, 15 and 16 are amended herewith.

In response to the Examiner's objection to claims 2 and 3, those claims are amended herewith to change "transmission schemes" to "transmission encoding schemes."

Claims 4-8, 15 and 16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Regarding claims 4-8, the Examiner asserted that the expressions "resolving to a slave device" and "resolving to a master device" are not commonly used in the art, and that their meaning is unclear. Applicant disagrees and asserts that these terms are in fact well-known in the art. Nonetheless, in order to expedite prosecution of the present application, claims 4-6 and 8 are amended herewith to change "resolving to" to "assuming the role of." Applicant thus submits that claims 4-6 and 8, as well as claim 7, which depends on claim 6, are definite and in compliance with 35 U.S.C. 112, second paragraph.

Regarding claims 15 and 16, the Examiner asserted that the expression "channel A IDLE symbols" is unclear. Applicant submits that this expression is clear in light of the specification. But to expedite the prosecution of the present application, claim 15 is amended herewith to change "channel A IDLE symbols" to "channel symbols." Applicant thus submits that claim 15, and claim 16, which depends on claim 15, are definite and in compliance with 35 U.S.C. 112, second paragraph.

Claims 9 and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by Suomi et al. (U.S. 5,809,066). With regard to claim 9, the Examiner asserted that "Suomi et al. teaches a method of achieving a communication link between a pair of transceivers (a pair of modems), where one transceiver is a master device (data modem) and the other transceiver is a slave device (remote data modem), the method comprising generating, at the master device, a plurality of encoded symbols (which convey the compression parameter information) according to a first

transmission encoding scheme; transmitting the encoded symbols to the slave device; determining, at the master device, if a link is achieved with the slave device; and changing the encoding scheme at the master device if no link is achieved with the slave device (a handshaking procedure is used to determine the compression parameters, which determine the code to be used) (abstract; claim 10)." Applicant respectfully disagrees with this assertion on multiple grounds, as will be detailed below.

To anticipate a claim, a cited reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 632, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Regarding claim 9, there is no mention in Suomi of a master device or a slave device. Thus, for this reason alone, claim 9 is not anticipated by Suomi. Additionally, the Examiner asserts that the data modem (MOD1) of Suomi transmits compression parameters to the remote modem (MOD2), and that this anticipates claim 9's generation, at the master device, of a plurality of encoded symbols and the transmission of those symbols to a slave device. However, the data modem (MOD1) of Suomi does not transmit compression parameters to the remote modem (MOD2). Rather, the data modem (MOD1) of Suomi transmits compression parameters to the radio terminal A, as is explained in the abstract.

Furthermore, Applicant submits that Suomi's transmission of compression *parameters* does not constitute generating encoded symbols *according to* a first encoding scheme and then transmitting those encoded symbols to the other device (the slave device in claim 9). Perhaps those parameters would indicate an encoding (compression) scheme to be used to transmit encoded symbols, but said compression parameters do not constitute the encoded symbols that are generated *according to* that encoding (compression) scheme. The actual transmission of data in compressed form in Suomi would be more analogous to the generation, and subsequent transmission, of encoded symbols according to a first transmission encoding scheme of claim 9, but then the remaining elements of claim 9 are not satisfied.

Also, Applicant submits that there is nothing in Suomi about determining if a link is achieved (at the master device) and *changing* the encoding scheme if no link is achieved. Suomi talks about determining compression parameters during a handshaking procedure, but provides no details of how this is done, and certainly does not disclose determining if a link is achieved and then *changing* the encoding scheme if no link is achieved.

For the aforementioned reasons, Applicant submits that claim 9, and all claims depending therefrom, are allowable over Suomi.

With regard to claim 12, the Examiner asserted that "Suomi et al. teaches a method of achieving a communication link between a pair of transceivers, where one transceiver is a master device (data modem) and the other transceiver is a slave device (remote data modem), the method comprising generating, at the master device, a plurality of encoded symbols according to a first transmission encoding scheme (the compression parameters that are to be used are transmitted as symbols); transmitting the encoded symbols to the slave device (handshaking between the two modems is used to determine the compression parameters); processing the encoded symbols at the slave device to determine the encoding scheme utilized by the master device (the remote data modem processes the symbols that convey the compression parameters), and setting the encoding type of the slave device to match that of the master device (the compression parameters are set through handshaking), if the encoding type of the slave device is set to a different encoding type (abstract; claim 10)." Applicant respectfully disagree with this assertion on multiple grounds, as will be detailed below.

There is no mention in Suomi of a master device or a slave device. Thus, for this reason alone, claim 12 is not anticipated by Suomi. Additionally, the Examiner asserts that the data modem (MOD1) of Suomi transmits compression parameters to the remote modem (MOD2), and that this anticipates claim 12's generation, at the master device, of a plurality of encoded symbols and the transmission of those symbols to a slave device. However, the data modem (MOD1) of Suomi does not transmit compression parameters to the remote modem (MOD2). Rather, the data modem (MOD1) of Suomi transmits compression parameters to the radio

terminal A, as is explained in the abstract.

Furthermore, Applicant submits that Suomi's transmission of compression *parameters* does not constitute generating encoded symbols *according to* a first encoding scheme and then transmitting those encoded symbols to the other device (the slave device in claim 12). Perhaps those parameters would indicate an encoding (compression) scheme to be used to transmit encoded symbols, but said compression parameters do not constitute the encoded symbols that are generated *according to* that encoding (compression) scheme. The actual transmission of data in compressed form in Suomi would be more analogous to the generation, and subsequent transmission, of encoded symbols according to a first transmission encoding scheme of claim 12, but then the remaining elements of claim 12 are not satisfied.

Also, the Examiner asserts that the remote modem (MOD2) of Suomi processes the compression parameters sent by the data modem (MOD1). Applicant respectfully submits that that is incorrect, and that the compression parameters are rather sent to the radio terminal A.

Additionally, Applicant submits that there is nothing in Suomi about setting the encoding type of the slave device to match that of the master. Suomi talks about determining compression parameters during a handshaking procedure, but provides no details of how this is done, and certainly does not disclose determining, at the slave device, the encoding scheme used by the master and then setting the encoding type of the slave device to match that of the master.

For the aforementioned reasons, Applicant submits that claim 12, and all claims depending therefrom, are allowable over Suomi.

Claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by Oshikirri et al. (U.S. 5,878.387). The Examiner asserted that "Oshikirri et al. teaches an entity that generates a plurality of encoded symbols according to one of at least two encoding schemes; wherein the entity selects between the at least two encoding schemes (abstract). The entity is a physical layer entity (PHY) because the encoding function occurs at the physical layer. The PHY layer also performs other functions, so the PHY layer comprises a sublayer that performs the function of encoding (called a physical coding sublayer (PCS)." Oshikirri is in the field of wireless

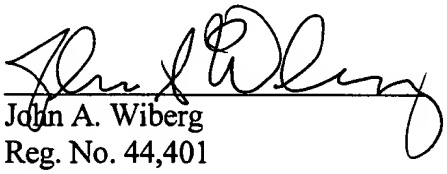
communications, and CDMA communications in particular. The coding referred to therein is the coding of speech signals. Applicant submits that Oshikirri does not disclose a physical coding sublayer (PCS) circuit transmitter circuit. Applicant submits that the physical coding sublayer (PCS) is a term of art that is recognized by those of skill in the art. Nowhere in the Oshikirri specification is there any mention of a PCS sublayer. Furthermore Applicant submits that the CDMA communication protocol does not have a physical coding sublayer (PCS), as the term is used in the art. Therefore Applicant submits that claim 1, and all claims depending therefrom, are not anticipated by Oshikirri.

Based on the foregoing, Applicant respectfully requests reconsideration and allowance of claims 1-16.

The Commissioner is hereby authorized to charge any additional required fees or credit any overypayment by this submission to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: August 23, 2004

Respectfully submitted,



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